

Amendments to the Drawings:

The attached sheet of drawings includes new Figure 3.

Attachment: New Sheet

REMARKS

In the Office Action, the Drawings were objected to for allegedly not showing every feature of the invention recited in Claim 5. In response, Applicants have submitted herewith a New Sheet of drawings that includes Figure 3 in compliance with 37 CFR 1.83(a) and have amended the Specification accordingly. Support for the New Sheet of drawings and amended Specification can be found at least in original Claim 5. Therefore, no new matter has been added by the New Sheet of drawings and amended Specification. Applicants respectfully submit that the rejection has been overcome.

Claim 6 was objected to for informalities. Applicants have amended Claim 6 and respectfully submit that the objection has been overcome.

Claims 1-4, 6-8, 11, 13, 16 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,878,977 to Carlisle ("*Carlisle*"). Applicants respectfully submit that the rejection has been overcome for at least the reasons discussed below.

Claim 1 has been amended. Support for this amendment can be found in the Specification at, for example, page 9, lines 17-20. *Carlisle* fails to disclose a body of a container being made as a single piece as in Claim 1. In contrast to the claimed invention, *Carlisle* discloses a container consisting of films joined together by a seam extending around the periphery of the container. *Carlisle*, column 4, lines 45-50. In fact, the functional characteristics of the container, such as the ability of the container to be seated in an upright position, rely on the configuration of seams joining and defining wall portions of the body of the container. *Carlisle*, column 6, lines 40-52. Therefore, *Carlisle* does not disclose a body of a container being made as a single piece as in the claimed invention. Accordingly, Applicants respectfully submit that the rejection has been overcome.

Claims 5, 9, 10, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Carlisle*. Applicants traverse this rejection and respectfully request that the rejection be withdrawn for at least the reasons discussed below.

As admitted by the Patent Office, *Carlisle* does not disclose a container which has a spherical or substantially spherical overall shape as in Claim 5 or the thickness of the walls as in Claims 9 and 10. The Patent Office also admits that *Carlisle* does not disclose the amount of

plastic used to produce the container as in Claim 12. The Patent Office considers each of these features to be “an obvious matter of design choice” or “an optimum value of result effective variable involv[ing] only routine skill in the art”. See Office Action, page 5. However, unlike the claimed invention, *Carlisle* did not recognize wall thickness and the amount of plastic used to produce the container as a result-effective variable, i.e., a variable which achieves a recognized result. Instead, *Carlisle* is concerned with improving the manner of operation, convenience and advantage of use, and appearance of a container. *Carlisle*, column 1, lines 10-43. Therefore, it is improper to characterize the determination of the optimum or workable ranges of wall thickness and the amount of plastic used to produce a container as routine experimentation in an attempt to find obviousness. MPEP §2144.05. Accordingly, Applicants respectfully submit that Claims 5, 9, 10, and 12 are not obvious in view of *Carlisle* and that the rejection should be withdrawn.

Furthermore, it would not have been obvious to one of skill in the art to modify *Carlisle* to make a body of a container as a single piece as in the claimed invention. The reliance of *Carlisle* on joining and defining separate wall portions of a body of a container at various seams for the functional characteristics of the container as discussed above effectively teaches away from the claimed invention. Accordingly, Applicants respectfully submit that neither *Carlisle* nor the knowledge of those skilled in the art would have suggested or motivated one of skill in the art to modify *Carlisle* to arrive at the claimed invention.


Claims 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Carlisle* in view of U.S. Patent No. 6,578,740 to Hagihara (“*Hagihara*”). Applicants traverse this rejection and respectfully request that the rejection be withdrawn for at least the reasons discussed below.

The Patent Office further admits that *Carlisle* does not disclose a closure being fitted onto a neck. The Patent Office, however, improperly combines *Hagihara* with *Carlisle* to attempt to cure the deficiencies of *Carlisle*. Even if it is proper to combine *Hagihara* with *Carlisle*, *Hagihara* fails to cure the deficiencies of *Carlisle*. In this regard, *Hagihara* also fails to disclose a body of a container being made as a single piece as in the claimed invention. Instead, *Hagihara* discloses a container body formed by heat-sealing the peripheries of two body side wall sheet members. *Hagihara*, column 5, lines 20-25. Therefore, *Carlisle* alone, or in

combination with *Hagihara*, fails to disclose a body of a container being made as a single piece as in the claimed invention. Accordingly, Applicants respectfully submit that this rejection should be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,
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